

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-184216

DATE:

JAN 2 1976

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099 ~~399~~MATTER OF: Lucila Ortiz-Deliz--Delayed return of privately-
owned vehicle 272

DIGEST:

1. Records of employee who accepted employment with Canal Zone Government in October 1970 and resigned therefrom on August 13, 1971, to accept appointment effective August 16, 1971, with Veterans Administration in Puerto Rico should be corrected to show continuous Government service since record reflects intent of all parties that interagency transfer be accomplished without break in service.
2. Employee whose automobile is shipped at Government expense to Canal Zone incident to appointment in October 1970 and who resigns in August 1971 to accept employment without break in service with VA in Puerto Rico and who ships car to Puerto Rico at personal expense may have that car transported to United States at Government expense upon subsequent transfer under delayed return provision of Federal Travel Regulations, FPMR 101-7, para. 2-10.3c (1).

This action is a reconsideration of our then Transportation and Claims Division letter of March 28, 1975, DW-2-2569572-SRS-2, wherein it was determined that Ms. Lucila Ortiz-Deliz, an employee of the Veterans Administration (VA), was indebted to the United States Government for the cost to the Government of the transportation of her privately-owned automobile from San Juan, Puerto Rico to Tampa, Florida, incident to a permanent change of duty station.

The record shows that Ms. Ortiz-Deliz's automobile was shipped at Government expense from the continental United States to the Canal Zone, Republic of Panama, incident to her appointment on October 9, 1970, as a dietitian with the Canal Zone Government (CZG). Although Ms. Ortiz-Deliz presumably executed an agreement to remain in the employ of the United States for a period of at

least one year when she received the appointment, she resigned from the CZG on Friday, August 13, 1971, and was appointed to a position on Monday, August 16, 1971, with the VA Center, San Juan, Puerto Rico. Ms. Ortiz-Deliz states that she shipped her automobile at personal expense from the Canal Zone to San Juan. In March, 1974, the VA transferred Ms. Ortiz-Deliz from San Juan to the Veterans Administration Hospital in Tampa, Florida. The travel authorization included the transportation of her household goods under the actual expense method (GBL) but did not authorize the transportation of her automobile at Government expense. The supply office at San Juan, after contacting the central office in Washington, D.C., issued a GBL for the shipment of Ms. Ortiz-Deliz's automobile. The VA later determined that Ms. Ortiz-Deliz' automobile should not have been transported at Government expense and issued a bill for Collection in the amount of \$500.72 to recover from the employee the cost of transporting her automobile from San Juan to Tampa. In response to Ms. Ortiz-Deliz's protest of the Bill for Collection, the agency forwarded the matter to the then Transportation and Claims Division, General Accounting Office, for adjudication. The Division determined that the claim against Ms. Ortiz-Deliz was valid and advised the VA to effect collection. The employee now protests the determination of our Transportation and Claims Division. We have been advised that installment payments are being deducted from Ms. Ortiz-Deliz pay.

The Federal Travel Regulations, FPMR 101-7 (May 1973), at para. 2-10.3(c)(1), permit an employee who is transferred from an official station to which his automobile was transported at Government expense to another overseas station to which transportation of the employee's vehicle is not authorized but to which the employee transports his or her vehicle at personal expense, to return that vehicle to the continental United States at Government expense upon a subsequent transfer, provided that the cost to the Government does not exceed the cost of transportation from the overseas duty station to which the automobile was shipped at Government expense to the employee's actual residence in the United States at the time of the initial appointment or overseas assignment.

It is noted that the records show that Ms. Ortiz-Deliz was separated on Friday August 13, 1971, from the CZG and picked up

by the VA on Monday August 16, 1971, thereby creating a break in her Government service. The Federal Personnel Manual (FPM), Supplement 296-31, Instruction 15, dated October 15, 1965, Subchapter S1, provides that an employee's separation because of acceptance of other Federal employment is effective on the day immediately preceding the day the employee enters on duty in the new employing office, and the employee's records may be corrected retroactively so as to reflect continuous service. We have generally approved such retroactive adjustments in situations where it is known prior to an employee's resignation that the employee is resigning in order to accept an appointment to another position within the same agency, or in another agency, and it is the intent of all parties concerned that the transfer be effected without a break in service. See, B-122897, April 11, 1955; B-112802, February 2, 1953; and A-87950, September 10, 1937. The Notification of Personnel Action recording Ms. Ortiz-Deliz's resignation from the Canal Zone Government shows her appointment with the Veterans Administration Center, San Juan, Puerto Rico, as the reason for her resignation and reflects an intent to avoid a break in service. In these circumstances we conclude that Ms. Ortiz-Deliz did not have a break in service upon her resignation from the Canal Zone Government and subsequent appointment to Veterans Administration Center, San Juan, Puerto Rico. We note also that the record provides no evidence of a determination by the CZG that Ms. Ortiz-Deliz breached her service agreement with that agency.

Under these circumstances, it is our opinion that the employee was entitled under para. 2-10.3(c)(1) of the regulations, supra, to the return of her vehicle at Government expense to the contiguous United States provided that the cost of shipping her automobile from San Juan to Tampa not exceed the constructive cost of shipping it from the Canal Zone to her place of residence in the United States at the time of her appointment in the Canal Zone. Since the information obtained from our Transportation and Claims Division shows that the cost of the shipment of an automobile from Puerto Rico to Miami is less than the cost of shipping an automobile from the CZ to the place of the residence of Ms. Ortiz-Deliz in the United States at the time of her appointment, any amounts already collected from Ms. Ortiz-Deliz should be refunded.

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In addition, Ms. Ortiz-Deliz's personnel records should be corrected to reflect continuous Federal service over the period in question.

~~Paul G. Lombardi~~

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